

Appl. No. 10/772,177
Reissue Application of U.S. Patent No. 6,676,502
Issued January 13, 2004

Attorney Docket No. P06280US01-169A

REMARKS

Applicant has discovered the existence of certain prior art that has come to the attention of the attorneys of record. An Information Disclosure Statement sheet describing this prior art device was filed on September 3, 2003. This prior art was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

At this time, Applicant also filed an amendment after Notice of Allowance under 37 C.F.R. 1.312, also on September 3, 2003. It appears from the record that this amendment was not entered. Accordingly, Applicant is filing this preliminary amendment in the present Reissue application.

It is believed that of the issued claims 1-8, only claims 1 and 2 are impacted by this prior art. Accordingly, Applicant requests that claim 1 be amended and claim 2 be canceled. Additionally, Applicant has amended claim 3 to change its dependency from canceled claim 2 to independent claim 1, thus making claims 3-5 now ultimately dependent on claim 1. Claim 6 has been canceled, as its subject matter has been incorporated into amended claim 1.

Applicant asserts that independent amended method claim 1 and independent apparatus claim 8 are novel and not obvious in view of the prior art. Specifically, claims 1 and 8 recite a "brake element" to hold the sleeve "against longitudinal movement while the stuffing tube is withdrawn." As can be seen in Fig. 4 of the present application, the brake element 40 permits the sleeve 30 to fall away from stuffing tube 14 when the stuffing tube 14 is longitudinally withdrawn from the sleeve 30. Also, as can be seen in Fig. 5, the brake element 40 is designed to "selectively" hold the sleeve as recited by

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independent claims 1 and 8. Conversely, the cited prior art either lacks the element for holding the sleeve against longitudinal movement, or if they do provide such an element, there is no teaching or suggestion that the element "selectively" hold the sleeve. The structural difference of "selectively holding" as recited in Applicant's claims 1 and 8 provides the functional advantage of permitting the sleeve to fall from the supporting condition on the stuffing tube when the stuffing tube is longitudinally withdrawn from the sleeve. Accordingly, Applicant asserts that independent claims 1 and 8 are novel and not obvious in view of the cited references. Likewise, claims 3-5 are also novel and not obvious in view of the cited references due at least to their dependence on independent claim 1.

Further, none of the cited documents are relevant to independent claim 7, which recites that there be "an elongated slot on the sleeve and extending the length of the sleeve ...". Applicant notes, that the international search report cited no art relevant to PCT dependent claim 8, which is similar in scope to the issued U.S. independent apparatus claim 7. Accordingly, independent claim 7 is novel and not obvious in view of the cited references.

Also submitted with this amendment is a corrected Reissue Application Declaration of the Inventor.

CONCLUSION

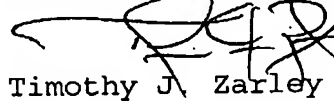
In view of the above amendments and remarks, applicant believes that claims 1, 3-5, and 7-8 are in condition for allowance, and Applicant respectfully requests allowance of such claims. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515-558-0200.

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Any fees or extensions of time believed to be due in connection with this amendment are enclosed with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 50-2098.

Respectfully submitted,



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